

Cancel Claims 6 and 8.

REMARKS

Claims 1 - 8 are in the case; Claims 1 - 4 have been amended; and, Claims 6 and 8 has been cancelled. It is believed that no additional filing fees are due; however, should there be an error and additional fees are due, please charge such fees to Deposit Account No. 02-2872.

Applicant has filed concurrently (with the Response in co-pending application Serial No. 08/884,529) a **CERTIFIED** copy of the priority Brazilian application number MI-5501976, filed December 8, 1995, as required by 35 U.S. Code § 119(b). Thus, all **CERTIFIED** copies have been filed in the parent and/or co-pending applications.

The application was filed with an informal drawing which is acceptable for examination purposes until such time as allowable subject matter is indicated. The Examiner's objection to the drawing is noted. The proposed correction to the drawing (FIGURES 8 - 17; Sheets 8 - 12) required by the Examiner has been made and a proposed **CORRECTED** informal drawing is submitted herewith with the art unit number, serial number and number of the drawing sheet printed on the reverse side of the drawing sheet. Also submitted herewith, in accordance with MPEP § 608.02(v), is a copy of the proposed **CORRECTED** informal drawing indicating (in RED ink) the corrections that have been proposed. Specifically, foreign language words have been removed (Items A - D) and the each drawing

figure has been given its own separate figure number (Items E - I). In accordance with MPEP §608.02(r), a copy of the **CORRECTED** informal drawing has also been submitted to the Official Draftsman with a separate transmittal letter with the art unit number, serial number and number of the drawing sheet printed on the reverse side of the drawing sheet. It is submitted that this corrected drawing overcomes the Examiner's rejection under 35 U.S. Code § 112, first paragraph, by **NOT** introducing new matter as prohibited under 35 U.S. Code § 132; 37 CFR § 1.118. See also, 37 CFR §§ 1.152 and 1.84(d)(2). Upon indication of allowable subject matter, new drawing sheets will be filed with the necessary changes incorporated therein.

An Abstract Of The Disclosure on a separate sheet is submitted herewith as required by the Examiner. 37 CFR § 1.72(b). MPEP § 608.01(b)

The disclosure was objected to because of informalities because it did not contain a "Brief Description of the Drawings," and because of numerous grammatical and idiomatic informalities. The specification has been amended to overcome these informalities. (The translation from the original Portuguese led to these informalities).

Claims 1 - 8 were rejected under 35 U.S. Code § 112, second paragraph, as being clearly "indefinite." Claims 1 - 4, the independent claims, have been amended to overcome the informality regarding the "whereby" clause and/or lack of antecedent basis.

The Examiner rejected Claims 4, 5, 7 and 8 under 35 U.S. Code § 101 based on double patenting of the "same invention" type, as claiming the same invention as that of Claims 1, 2 and 4 of Mendes '218. Claims 4, 5 and 7 have been amended (by incorporating the limitation of cancelled dependent Claim 6) and Claim 8 cancelled so that they are no longer coextensive in scope with the conflicting claims. It is respectfully submitted that the amendments to Claims 4, 5 and 7 overcomes this ground for rejection.

The Examiner rejected Claim 6 under the judicially created doctrine of double patenting "over the claim 3 of [applicant's] U.S. Patent No. 5,720,218." Since Claim 6 has been cancelled, it is respectfully submitted that a terminal disclaimer need not be filed, as the cancellation overcomes this ground for rejection.


Claims 4, 5 and 7 have been amended and Claims 6 and 8 have been cancelled, so that they no longer conflict with Claims 5 - 8 of Applicant's application Serial No. 08/884,529, and, so that there is a "clear line of demarcation between the applications." 37 CFR § 1.78(b). MPEP § 822.

Since Claim 8 has been cancelled any potential objection under 37 CFR § 1.75 and MPEP § 706.03(k) for substantial duplication of Claim 7 has been avoided.

Based on the indication of the allowability of original Claims 1 - 3 (if rewritten to overcome rejections) and the above amendments and remarks, it is submitted that all of the claims remaining in the case are allowable and an early Notice of the same

is respectfully solicited. If the Examiner feels a telephone conference will in any way expedite the disposition of this matter, he is respectfully invited to contact this attorney at (504) 861-8288.


Respectfully submitted,
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I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to:

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on February 13, 1999.


George A. Bode, Reg. No. 30,028
Applicant's Registered Representative

13 February 1999
Date of Signature